# White House Loses Ruling on Computer Tapes

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By George Lardner Jr.
Washington Post Staff Writer

U.S. District Judge Charles R. Richey refused yesterday to grant a stay of his civil contempt citation against the Clinton White House and the acting archivist of the United States for failing to preserve and protect computer tapes made during the Reagan and Bush administrations.

Richey said the defendants have "dilly-dallied, done little and delayed for the past five months rather than make serious efforts to comply" with his previous orders to keep the electronic federal records intact.

"The crux of this lawsuit is the preservation of the history of this country beginning with the administrations of Presidents Reagan and Bush and, more specifically, the preservation of electronic records," Richey said. Those records include E-mail and logs containing information that Richey said "historians and others need to know about what essential people in the government knew and when they knew it."

A spokeswoman for acting Archivist Trudy H. Peterson said the ruling would be appealed.

Richey held the archivist, the Executive Office of the President and the National Security Council in civil contempt May 21 and gave them until June 21 to purge themselves of it by preserving deteriorating tapes, repairing those that have been damaged, and issuing new guidelines to protect them.

The judge said he would levy fines of $50,000 a day the first week after his deadline, $100,000 a day for the second week, and $200,000 a day for the third week.

The administration contended that meeting Richey's deadline "would result in significant and irreparable disruption of White House operations." It secured a June 15 hearing date before the U.S. Circuit Court of Appeals here and asked Richey to stay his contempt order while the case is on appeal.

In refusing, Richey said the government has admitted that preserving the approximately 300 tapes in immediate need of copying is "possible if no unforeseen problems arise." He said a stay would be "particularly inappropriate in this case" because the defendants caused their own difficulties by transferring almost 6,000 tapes on Jan. 19-20 from the White House, which was equipped to make copies, to the Archives, which is not.

The litigation was initially brought in 1989 by the nonprofit National Security Archive and was first directed at the Bush and Reagan administrations, but it is a continuing dispute that imposes obligations on whatever administration is in office.